

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**XAVIER COLLINS JOHNSON, #169642**

**PETITIONER**

**V.**

**CAUSE NO. 3:18-CV-392-CWR-FKB**

**WARDEN TIMOTHY MORRIS**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge F. Keith Ball, which was signed and entered on August 1, 2019. Docket No. 19. The Report and Recommendation clearly notified the parties that failure to file written objections to the findings and recommendations contained therein within 14 days after service would bar further appeal in accordance with 28 U.S.C. § 636. *Id.*

This Court, finding that there has been no submission of written objections by any party, hereby adopts said Report and Recommendation as the Order of this Court. Accordingly, the Respondent's motion to dismiss is granted to the extent that Petitioner may file an amended petition that removes his unexhausted ineffective assistance of counsel claim found in Ground Three. Petitioner will have 14 days from today to file his amended petition. Respondent will have 14 days from then to answer. Should Petitioner fail to file an amended petition, this matter may be dismissed without prejudice.

**SO ORDERED**, this the 12th day of September, 2019.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE